

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

FILED by GME D.C.
SEP 29 2009
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. - MIAMI

JACK THOMPSON,

09 - 22927

Plaintiff,

v.

CIV-MOORE

FACEBOOK, INC.,

MAGISTRATE JUDGE
SIMONTON

Defendant.

COMPLAINT FOR MONEY DAMAGES

COMES NOW plaintiff Jack Thompson, hereinafter Thompson, and brings this federal lawsuit, *pro se*, for money damages against Facebook, Inc., hereinafter Facebook, stating:

THE PARTIES

1. Thompson is a citizen of the United States, a resident of Miami-Dade County, Florida, and more than eighteen years of age.

2. Facebook is a United States company doing business and headquartered in Palo Alto, California. It is unknown to plaintiff as to the state in which it is incorporated.

VENUE

3. This is the appropriate venue for this action because plaintiff lives here and has been harmed here in the Southern District of Florida where he also works and has his nuclear family.

JURISDICTION

4. This court has jurisdiction by virtue of diversity of citizenship. Further, this is an action for money damages well in excess of the minimum jurisdictional requirements of this court.

FACTS

5. Late in the afternoon of August 26, 2009, plaintiff was made aware of various “Groups” operating at the Internet social networking site known as Facebook which were advocating physical harm be visited upon plaintiff.

6. The next day, August 27, Thompson faxed to the CEO of Facebook, Mark Zuckerberg, a request, marked “URGENT” demanding that all such postings at Facebook be removed. They were not removed, and Facebook did not and would not acknowledge receipt of the aforementioned demand, so another similar demand was sent on August 28, 2009. It, too, was ignored.

7. Again, on September 7, 2009, Thompson made a repeated faxed demand that these Facebook calls for harm to Thompson made at “Jack Thompson Groups” be removed. Just as before, this demand by plaintiff was ignored and the offending, dangerous posts remained up and available at Facebook.

8. All three of these demands were faxed and received at Facebook’s corporate headquarters in Palo Alto, California. They were all ignored, as these postings are still up and available at www.facebook.com on this day, September 29, 2009.

9. By contrast, on this day, September 29, more than one month after Thompson was targeted for physical harm at Facebook and Facebook in that more than a month has done nothing to remove this material, a related news story is being reported around the globe. An anonymous Facebook user has placed a Facebook a poll asking “Should Obama be killed?” When Facebook found out about this removed the poll from the site expeditiously.

10. Unlike our President, Thompson does not have the Secret Service to protect him.

11. Thompson has been the repeated target of death threats orchestrated by the violent video game industry and by video gamers. This harassment began when Thompson appeared on CBS' *60 Minutes* upon the personal request of Ed Bradley. Thompson had appeared on *60 Minutes* the first time on behalf of the parents of three girls shot and killed by a teen classmate who had trained to kill them on a violent video game in Paducah, Kentucky. This time, addressing this same public safety and health issue, Thompson told the nation of a teenaged boy in Alabama who trained on a cop-killing murder simulation game, *Grand Theft Auto*, to kill three policemen there.

12. Ever since that appearance on *60 Minutes* and after preparing month later then US Senator Hillary Clinton for a news conference about the illegal acts of the *Grand Theft Auto* video game makers, Thompson has been illegally targeted with death threats and libels. Take-Two, the maker of the *Grand Theft Auto* games, has used its corporate web site to brand Thompson a bisexual pedophile. Take-Two and its lawyers, working with a video game industry "news site, GamePolitics.com, has knowingly orchestrated its enthusiastic posters not only to libel Thompson because of his efforts against the illegal distribution of adult-rated games to kids, but to threaten his life and incite other forms of harassment against Thompson by the video game industry and its vigilante enthusiasts.

13. One such video gamer, living in Houston, Texas, was so stupid as to call Thompson, and leave a message on Thompson's answer machine, equipped with caller ID, telling Thompson that he was going to castrate and then kill Thompson. That teen was incarcerated after unwittingly proving just what Thompson has said on *60 Minutes* and

scores of other national and international television programs: Violent and pornographic adult-rated material, when consumed by impressionable kids, can have untoward, sometimes dangerous behavioral consequences.

14. One video game industry operative, which runs an Internet site at www.penny-arcade.com, sent people to Thompson's residential neighborhood to go door-to-door telling Thompson's startled neighbors that he wanted to repeal the United States Constitution.

15. During this reign of terror that began in March 2005, Thompson has been subjected to an unrelenting targeting by the video game industry, by video gamers, and by their fellow travelers for harassment and threats upon his life and personal safety. Thompson's house has been shot at. His tires on his car have been vandalized. He has had products, including sex aid devices sent to his home. He has received e-mails and letters that have been so threatening and so vile that they cannot be described herein. And the harassing phone calls have been so continuous and so disruptive that Thompson has to take his phone off the hook each evening or he will be awakened, as he is when he forgets to do so, by miscreants who think that the First Amendment protects not only the predatory and illegal marketing and sale of adult porn and violence to kids but the criminal harassment of a citizen who has the courage to say what 90% of the American people know—that families are under siege by corporate predators who mentally molest minors for money.

16. Today's events which have shown that Facebook can and does act expeditiously when person who is politically correct is targeted with a poll at his Facebook site. But Facebook's CEO, Mr. Zuckerberg, who was sent and received all

three of Thompson's requests for help, conveniently ignores the safety of the undersigned because he does not matter to Mr. Zuckerberg and his successful commercial enterprise. This case has been brought because of the proposition that no American citizen is below the law and no one is above the law.

17. What exactly has been posted at Facebook which this company has continued to allow to appear there, despite the please of Thompson? At Facebook at <http://www.facebook.com/search/?q=jack+thompson&init=quick#/search/?flt=1&q=jack%20thompson&o=69&sid=1535168354.2538310073..1&s=50> the following solicitation, along with other offensive material about Thompson, is still posted September 29, 2009:

I will pay \$50 to anyone who punches Jack Thompson in the face.
Category: Common Interest - Current Events
If someone can get a videoclip of themeselves punching Jack Thompson in the face I'll paypal them \$50.

Description: For those of you who don't know, Jack Thompson is a lawyer who blames all violence in the world on videogames. All his "evidence" is made up of random information about nothing. Read up on him and you'll want to pay someone \$50 to punch him too.

18. Then there is this proclamation:



Name: Jack Thompson should be removed from the populace
Type: Common Interest
Members: 1 member

This is available as a "Jack Thompson Group" at

<http://www.facebook.com/search/?q=jack+thompson&init=quick#/search/?flt=1&q=jack%20thompson&o=69&sid=1535168354.2538310073..1&s=30>

The person who started this "Jack Thompson Group" is



[Send Jay a Message](#)
[Report/Block this Person](#)
[Share](#)



Jay McVey

Add as Friend Mr. Mc Vey is apparently a student at Texas Tech.

Basic Info

Name: Jack Thompson should be removed from the populace

Category: [Common Interest](#) - [Politics](#)

Description: The title says it all.

19. Then there is this solicitation on September 29, 2009, at Facebook:



Name: [Jack Thompson should be smacked across the face with an Atari 2600](#)

Type: [Entertainment & Arts](#)

Members: [184 members](#)

This is available at

<http://www.facebook.com/search/?q=jack+thompson&init=quick#/search/?flt=1&q=jack%20thompson&o=69&sid=1535168354.2538310073..1&s=40>.

The administrator of this “Jack Thompson Group” posting is stated to be Matthew Hylan (Bridgeport / Stamford, CT) (creator). One poster at this Group site asks:

Christian McDonald (Toronto, ON) wrote
at 2:16am on June 25th, 2008
How much would a coat out of Jack Thompson's forskin go for on eBay?
[Report](#)

20. Another post there:



Ben Hatfield (Wisconsin Milwaukee) wrote at 10:22pm on July 25th, 2007
screw the Atari 2600 where did i put my brick...
[Report](#)

21. At the Facebook the “Jack Thompson Group” called “I Hate Jack Thompson” found on September 29, 2009, at <http://www.facebook.com/search/?q=jack+thompson&init=quick#/group.php?gid=2216574711&ref=search&sid=1535168354.2538310073..1>, the below image is found. The person hanged is the undersigned:



22. There is more offensive, dangerous material posted about the plaintiff at Facebook, about which Facebook is fully aware and refuses to remove.

COUNT I. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

23. Paragraphs 1 through 22 are incorporated into this count.

24. This outrageous, knowing, calculated conduct by Facebook constitutes a breach of a duty of care to Thompson not to intentionally inflict emotional distress upon Thompson which duty it breached. That breach has in fact caused him great harm and distress, as well as a heightened risk to his personal safety.

25. This conduct by Facebook constitutes a willful and wanton disregard of the rights and safety of plaintiff and warrants an award of punitive damages against Facebook.

WHEREFORE, plaintiff seeks an award of compensatory damages in excess of ten million dollars and an award of punitive damages in excess of thirty million dollars from defendant Facebook for this count alone.

COUNT II. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

26. Paragraphs 1 through 22 are incorporated into this count.

27. Defendant owed Thompson a duty of care not to negligently inflict emotional distress upon Thompson, which duty of care it breached. This conduct constitutes a negligent infliction of emotional distress upon Thompson which has been the proximate cause to him of great harm and distress, as well as heightened risk to his personal safety.

28. This conduct by Facebook is a willful and wanton disregard of the rights and safety of plaintiff and warrants an award of punitive damages against Facebook.

WHEREFORE, plaintiff seeks an award of compensatory damages in excess of ten million dollars and an award of punitive damage sin excess of thirty million dollars from defendant Facebook for this count alone.

COUNT III. NEGLIGENT SUPERVISION

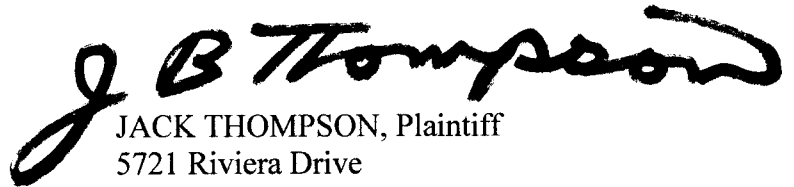
29. Plaintiff incorporates paragraphs 1 through 22 into this count.

30. Facebook owed a duty of care to Thompson in supervising its web site and personnel who run it which it breached. The breach of this duty owed has caused harm to Thompson.

31. This failure to supervise has been wanton, willful, and reckless, and it gives rise to punitive damages.

WHEREFORE, Thompson seeks compensatory damages in excess of ten million dollars and punitive damages in excess of thirty million dollars for this count alone.

Plaintiff hereby
demands a
trial by jury.



JACK THOMPSON, Plaintiff
5721 Riviera Drive
Coral Gables, Florida 33146
305-666-4366
amendmentone@comcast.net

JS 44 (Rev. 2/08)

09-22927 CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS Jack Thompson **DEFENDANTS** Facebook, Inc
(b) County of Residence of First Listed Plaintiff Miami-Dade **County of Residence of First Listed Defendant** California
 (EXCEPT IN U.S. PLAINTIFF CASES) (IN U.S. PLAINTIFF CASES ONLY)
(c) Attorney's (Firm Name, Address, and Telephone Number)
Prose
Jack Thompson 331/46
5721 Riviera Dr, Coral Gables FL
Attorneys (If Known) W. MOORE
(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER POLK VOLUPE
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT LAND INVOLVED. FILED by GUYE, D.C.
 SEP 29 2009
 STEVEN M. LARIMORE
 CLERK U.S. DISTRICT COURT
 S. D. OF FLA. - MIAMI

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
 1 U.S. Government Plaintiff 3 Federal Question (Federal Law in State Party)
 2 U.S. Government Defendant 4 Diversity (Indicate Citizenship of Parties in Item III)
III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)
 (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Incorporated or Principal Place of Business in This State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>

 MAGISTRATE JUDGE SIMONTON
 09cv22927 - MOORE/SIMONTON

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RS1 (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	IMMIGRATION
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions

V. ORIGIN (Place an "X" in One Box Only)
 1 Original Proceeding 2 Removed from State Court 3 Re-filed- (see VI below) 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S). (See instructions second page):
 a) Re-filed Case YES NO
 b) Related Cases YES NO
 JUDGE _____ DOCKET NUMBER _____

VII. CAUSE OF ACTION
 Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity): Diversity of Citizenship Statute
 LENGTH OF TRIAL via 4 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** _____ **CHECK YES only if demanded in complaint:** **JURY DEMAND:** Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE SIGNATURE OF ATTORNEY OF RECORD J B Thompson pro se DATE _____

FOR OFFICE USE ONLY
 AMOUNT 0.350.00 RECEIPT # 1009135